

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION**

IN RE:

JOSHIAH JOHNSON, JR.,

CHAPTER 13

CASE NO: 12-08108-8-RDD

DEBTOR

**ADDRESS: 302 BRENTWOOD DRIVE
DUDLEY, NC 28333**

MOTION TO MODIFY DEBTOR'S CHAPTER 13 PLAN

NOW COMES THE DEBTOR, Josiah Johnson, Jr., by and through his attorney, Robert E. Fuller, Jr., to move the Court for a modification of his Chapter 13 Plan and in support of said Motion the Debtor respectfully shows unto the Court the following:

1.) That on the 13th day of November, 2012, the Debtor filed with this Court a petition for relief pursuant to Title 11 USC § Chapter 13 of the United States Bankruptcy Code, and that Robert R. Browning has been appointed as trustee in this matter.

2.) That the Trustee has stated it has become necessary to modify the Debtor's plan payments to pay the pre-petition arrearages claim filed by Bank of America.

3.) That the Debtor proposes to modify his plan payments to \$1135.00 for six (6) months and \$1160.00 for fifty-four (54) months, with the new payment of \$1160.00 to begin June 1, 2013.

4.) The payout to creditors be adjusted, if necessary, to accommodate this modification as this modification will affect the unsecured creditors.

WHEREFORE, the Debtor prays the Court:

1.) That the Debtor be allowed to modify his plan payments to \$1135.00 for six (6) months and \$1160.00 for fifty-four (54) months, with the new payment of \$1160.00 to begin June 1, 2013.

2.) The payout to creditors be adjusted, if necessary, to accommodate this modification as this modification will affect the unsecured creditors.

3.) For such other and further relief as to the Court may seem just and proper.

This the 8th day of May, 2013.

S/Robert E. Fuller, Jr.
Attorney for the Debtor
NC State Bar # 6158
P.O. Box 1121
Goldsboro, NC 27533-1121
Telephone No.: (919) 735-7496
Fax No.: (919) 735-5077

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CHAPTER 13

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**ADDRESS: 302 BRENTWOOD DRIVE
DUDLEY, NC 28333**

NOTICE OF MOTION

TO: STANDING TRUSTEE, CREDITORS AND ALL OTHER PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN of the MOTION simultaneously herewith by the attorney for the debtor(s) in the above captioned case; and

FURTHER NOTICE IS HEREBY GIVEN that this MOTION may be allowed provided no response and request for a hearing is made by the debtor(s), creditor(s), trustee, or other parties in interest, in writing to the Clerk of this Court within twenty-one (21) days from the date of this Notice; and,

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for a hearing is filed by the debtors, creditor(s), trustee, or other parties in interest named herein in writing within the time indicated, a hearing will be conducted on the motion and response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the motion and response thereto ex parte without further notice.

Dated: May 8, 2013

S/Robert E. Fuller, Jr.
Attorney for the Debtor
NC State Bar # 6158
P.O. Box 1121
Goldsboro, NC 27533-1121
Telephone No.: (919) 735-7496
Fax No.: (919) 735-5077

CERTIFICATE OF SERVICE

I, Robert E. Fuller, Jr., certify that on May 8, 2013, a copy of the foregoing Motion was served electronically upon the following:

Robert R. Browning
Chapter 13 Trustee

and was served by depositing a copy of the same in an official depository of the United States Postal Service, with first class postage affixed, upon the following:

Josiah Johnson, Jr.
Debtor
302 Brentwood Drive
Dudley, NC 28333

**AND LIST OF CREDITORS ATTACHED TO ORIGINAL NOTICE OF MOTION AND
CERTIFICATE OF SERVICE**

I certify under penalty of perjury that the foregoing is true and correct.

This the 8th day of May, 2013.

s/Robert E. Fuller, Jr.
Attorney for the Debtor
NC State Bar No: 6158
P.O. Box 1121
Goldsboro, NC 27533-1121
Telephone: (919) 735-7496
Fax No.: (919) 735-5077

A.M.A.
P.O. Box 2083
Goldsboro, NC 27534

Wayne County Tax Department
P.O. Box 1495
Goldsboro, NC 27533-1495

Bank of America
450 American St.
Simi Valley, CA 93065

Wayne County EMS
P.O. Box 863
Lewisville, NC 27023-0863

Bank of America, N.A.
BAC Home Loans Servicing
7105 Corporate Drive
Plano, TX 75024

Wayne Memorial Hospital
Attn: Lanell Morene
P.O. Box 8001
Goldsboro, NC 27533-8001

Bank of American, NA
Payment Center
P.O. Box 660933
Dallas, TX 75266-0933

Wells Fargo
P.O. Box 25341
Santa Ana, CA 92799-5341

Goldsboro Emergency Medical
P.O. Drawer K
Goldsboro, NC 27533-9710

Internal Revenue Service
Alamance Building, MS 24
4905 Koger Blvd.
Greensboro, NC 27407-2734

Interstate Credit Collection
711 Coliseum Plaza Court
Winston Salem, NC 27106

Jonathan Blake Davis, Attorney
c/o Shapiro & Ingle
10130 Perimeter Parkway
Charlotte, NC 28216

North Carolina Dept of Revenue
P.O. Box 25000
Raleigh, NC 27640-0001

Revenue Cycle Solutions
421 Fayetteville Street, Ste. 600
Raleigh, NC 27601-1792